

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

NOV 15 2016

RICK WARREN
COURT CLERK

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SAMUEL SLAYDON, III,
an Oklahoma Resident

Plaintiff,

vs.

OLD DOMINION FREIGHT LINE, INC.
a Virginia for Profit Corporation; and
MICHAEL DEMPS BERRY,
a Tennessee Resident,

Defendants.

Case No.:

CJ-2016-5827

PETITION

Plaintiff, Samuel Slaydon, III states:

1. Plaintiff is a resident of Moore, Oklahoma; Defendant, Old Dominion Freight Line, Inc. is a Virginia for profit business corporation licensed to transact business in Oklahoma; Michael Demps Berry is a resident of Johnson City, Tennessee; All acts and omissions giving rise to the cause of action occurred in Oklahoma County, Oklahoma; and the amount in controversy exceeds \$10,000.00, exclusive of interest, costs and attorney's fees.

2. On or about August 15, 2016, at Interstate 40 Westbound at approximately Peebly Road in Oklahoma City, Oklahoma, Defendant Michael Demps Berry did negligently operate his commercial motor vehicle so as to cause a collision with Plaintiff's vehicle.

3. At all times pertinent, Defendant Michael Demps Berry operated his commercial vehicle in violation of Oklahoma statutes for which he was *negligent per se*.

4. At all times pertinent, Defendant Michael Demps Berry was operating a commercial vehicle in the course and scope of his employment with Defendant Old Dominion Freight Line, Inc. for which Defendant Old Dominion Freight Line, Inc. is

vicariously liable under the doctrine of *respondeat superior*.

4. As a result of Defendants' negligence and *negligence per se*, Plaintiff sustained serious personal injuries; has and will incur expenses for medical treatment and hospitalization; has and will suffer pain of mind and body; has and will be prevented from transacting his business; has and will be disabled and disfigured.

WHEREFORE, Plaintiff demands judgment against Defendants for compensatory damages in excess of the amount required for diversity jurisdiction pursuant to 28 U.S.C. §1332, together with interest, costs, attorney fees and any further relief the court deems equitable, just and available to Plaintiff by law.

Respectfully submitted,

HORNBECK VITALI & BRAUN, P.L.L.C.

A handwritten signature in black ink, appearing to read 'John E. Vitali', is written over a horizontal line.

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**ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED**